

3993 Howard Hughes Parkway, Suite 600  
Las Vegas, NV 89169-5996  
Facsimile (702) 949-8321  
Telephone (702) 949-8320

Robert M. Charles, Jr. NV State Bar No. 006593  
Email: rcharles@lrlaw.com  
John Hinderaker AZ State Bar No. 018024  
Email: jhinderaker@lrlaw.com  
Marvin Ruth NV State Bar No. 10979  
Email: mruth@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

Chapter 11

**NOTICE OF HEARING ON USACM  
TRUST'S MOTION TO ALLOW  
PROOFS OF CLAIM BASED UPON  
INVESTMENT IN THE TEN  
NINETY LOAN**

**Date of Hearing: September 30, 2011  
Time of Hearing: 9:30 a.m.  
Estimated Time for hearing: 10 min.**

**THE USACM LIQUIDATING TRUST FILED A MOTION TO ALLOW  
PROOFS OF CLAIM TO THE EXTENT YOUR CLAIM IS BASED UPON AN  
INVESTMENT IN THE TEN NINETY LOAN. THIS MOTION WILL NOT  
IMPACT YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN  
INVESTMENT IN A DIFFERENT LOAN.**

**PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY  
COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS  
REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM  
SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP  
CONSULTING, LLC (602-424-7009) OR TO UNDERSIGNED COUNSEL, JOHN  
HINDERAKER (520-629-4430).**

1       **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and  
2 through its counsel, has filed its Motion to Allow Proofs of Claim Based Upon Investment  
3 in the Ten Ninety Loan (with Certificate of Service) (the “Motion”). Your Proof of Claim  
4 number and other information regarding your claim is provided in **Exhibit A**, attached to  
5 the Objection. The USACM Liquidating Trust has requested that this Court enter an  
6 order, pursuant to section 502 of title 11 of the United States Code (the “Bankruptcy  
7 Code”) and Rule 3007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy  
8 Rules”), allowing your Proof of Claim as an unsecured non-priority claim to the extent it is  
9 based upon an investment in the Ten Ninety Loan. The Motion will not impact your  
10 Claim to the extent it is based upon an investment in a different loan.

11       **NOTICE IS FURTHER GIVEN** that the hearing on the Motion will be held  
12 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal  
13 Building, 300 Las Vegas Blvd. South, 3<sup>rd</sup> Floor, Courtroom No. 1, Las Vegas, Nevada on  
14 **September 30, 2011, at the hour of 9:30 a.m.**

15       **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON**  
16 **SEPTEMBER 30, 2011, WILL BE HELD FOR THE PURPOSE OF STATUS**  
17 **CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**  
18 **ARGUMENTS WILL BE HEARD ON THAT DATE.**

19       **NOTICE IS FURTHER GIVEN** that pursuant to Local Rule 9014(d), any  
20 response to the motion must be filed and service must be completed no later than **fourteen**  
21 **(14) days** preceding the hearing date. The opposition must set forth all relevant facts and  
22 any relevant legal authority.

1 If you object to the relief requested, you *must* file a **WRITTEN** response to this  
2 pleading with the Court. You *must* also serve your written response on the person who  
3 sent you this notice.

4 If you do not file a written response with the Court, or if you do not serve your  
5 written response on the person who sent you this notice, then:

- 6 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 7 • The Court may *rule against you* and sustain the objection without formally  
8 calling the matter at the hearing.

9 Dated: August 9, 2011

LEWIS AND ROCA LLP

11 By s/John Hinderaker (AZ 18024)

12 Robert M. Charles, Jr., NV 6593

13 John Hinderaker, AZ 18024 (*pro hac vice*)

Marvin Ruth, NV 10979

14 3993 Howard Hughes Parkway, Suite 600

Las Vegas, Nevada 89169

15 E-mail: JHinderaker@lrlaw.com

*Attorneys for the USACM Liquidating Trust*

16 Copy of the foregoing and pertinent  
17 portion of Exhibits mailed by first  
class postage prepaid U.S. Mail on  
18 August 9, 2011 to all parties listed on  
Exhibit A attached.

19 LEWIS AND ROCA LLP

21 s/ Renee L. Creswell  
22 Renee L. Creswell